

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit a garage to be located in the side yard instead of the rear yard, and from Section 400.3 to permit an average height of 17' in lieu of the permitted 15'.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. That the rear yard of the subject property is at a much lower elevation and not suitable for garage use.
2. That the rear yard area also must be reserved for the septic system and is not available for garage use.
3. That the requested variance is in accordance with the spirit and intent of the Regulations, and without the requested variance the Petitioners will sustain practical difficulty and unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Stephen J. Nolan and
Nolan, Plumbhoff & Williams
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of September, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 14th day of November, 1984, at 10:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: November 8, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition Nos. 85-128-A,
SUBJECT: 85-123-A, 85-130-A, and 85-134-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 5, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000
Nicholas B. Commodari
Chairman

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 70 - Case No. 85-130-A
Herbert C. Mathews, et ux
Variance Petition

Dear Mr. Nolan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

October 8, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 66, 67, 68, 70, and 71 ZAC Meeting of September 18, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 66, 67, 68, 70, and 71.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

10-5-84
Re: Zoning Advisory Meeting of 9-18-84
Item # 70
Property Owner: Herbert C. Mathews, et ux
Location: 315 Eagles View Rd.
304 of Golden Eagle Drive

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access to the site is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on [blank].
- ☒ Landscaping should be provided on this site and shown on the plan.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

Stephen G. Bolin
Stephen G. Bolin
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2566
494-4500

PAUL H. RENCKE
CHIEF

September 27, 1984

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Herbert C. Mathews, et ux

Location: SE/S Eagles View Road 395' S/W from Golden Eagle Drive
Item No. 70 Zoning Agenda: Meeting of 9/18/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- ☒ 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ☒ 2. A second means of vehicle access is required for the site.
- ☒ 3. The vehicle dead end condition shown at [blank]

EXCEEDS the maximum allowed by the Fire Department.

- ☒ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ☒ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ☒ 6. Site plans are approved, as drawn.
- ☒ 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: [Signature] 9-27-84
Planning Code
Special Inspection Division
Noted and Approved: [Signature]
Fire Prevention Bureau

/mb

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of September, 1984

ARNOLD JABLON
Zoning Commissioner

Petitioner: Herbert C. Mathews, et ux
Petitioner's Attorney: Stephen J. Nolan, Esquire

Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should ~~not~~ be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 21st day of November, 1984, that the herein Petition for Variance(s) to permit a garage to be located in the side yard in lieu of the required rear yard and to have an average height of 17 feet in lieu of the permitted 15 feet in accordance with the site plan, dated September 27, 1976, marked Petitioner's Exhibit 1 and the building drawing, dated July 10, 1984, marked Petitioner's Exhibit 3, is GRANTED, from and after the date of this Order.

Jan M.H. Jung
Deputy Zoning Commissioner
Baltimore County

ORDER REQUIRED FOR FILING
DATE November 21, 1984
BY Mary Conroy (Clerk)

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 21, 1984

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Nolan:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
Jan M.H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: People's Counsel

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

September 20, 1984

TED JABLON, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 70 Zoning Advisory Committee Meeting are as follows:

Property Owner: Herbert C. Mathews, et ux
Location: SE/S Eagles View Road 395' S/W from Golden Eagle Drive
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a garage to be located in the side yard in lieu of the required rear yard and to permit an average height of 17' in lieu of the required 15'.
Address: Lot 5, Bk. A., Plat 1 "Eagles Nest" 35-81.
District: 10th.

The items checked below are applicable:

- (1) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 and the Baltimore County Zoning Regulations and other applicable Codes.
- (2) A building/other permit shall be required before beginning construction.
- (3) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (4) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (5) An exterior wall erected within 6'0" for Commercial use or 3'0" for One and Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, Line 2, Section 407 and Table 1007, also Section 503.2.
- (6) Requested variance appears to conflict with the Baltimore County Building Code, Section 4.
- (7) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (8) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- (9) Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CRB:ms

October 11, 1984

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, MD 21204

NOTICE OF HEARING

RE: Petition for Variance
SE/S Eagles View Rd., 395' SW of
Golden Eagle Dr. (12895 Eagle
View Rd.) - 10th Election District
Herbert C. Mathews, et ux - Petitioners
Case No. 85-130-A

TIME: 10:15 A.M.

DATE: Wednesday, November 14, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 133262

DATE: 9/7/84

AMOUNT: 35.00

RECEIVED FROM: N. J. Williams, Esq. & Williams
FOR: Filing for Item # 70
Variance

6 01100000350018 40745

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCES
SE/S of Eagles View Rd.,
395' SW of Golden Eagle
Dr. (12895 Eagle View
Rd.), 10th District
HERBERT C. MATHEWS, et ux,
Petitioners

: BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

: Case No. 85-130-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 25th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, and Nolan, Plimhoff & Williams, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

85-130-A
12:31 PM

District: 10th Date of Posting: 10/25/84
Posted for: Variance To Permit Garage To Be Located In Side Yard
Petitioner: Herbert C. Mathews, et ux
Location of property: SE/S of Eagles View Rd., 395' SW of Golden Eagle Dr.
12895 Eagle View Rd., 21131
Location of Signs: Room 106, County Office Building, 111 West Chesapeake Ave., Towson, Md.
Remarks: From Mathews driveway
Posted by: *William Williams* Date of return: 11/14/84
Number of Signs: 1

CERTIFICATE OF PUBLICATION

85-130-A
12/5 1984
Towson, Md.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 22nd day of 1984.

The TOWSON TIMES
William Williams
Cost of Advertisement: \$ 25.97

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

November 15, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item # 70 (1984-1985)
Property Owner: Herbert C. Mathews, et ux
SE/S Eagles View Rd. 395' S/W from Golden Eagle Dr.
Address: Lot 5, Bk. A, Plat 1 "Eagles Nest" 35-81
District: 10th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

As no public facilities are involved, this office has no comment.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Very truly yours,

James H. Markle, Jr.
JAMES H. MARKLE, JR., Chief
Bureau of Public Services

JAM:EAM:REC:ms

PETITION FOR VARIANCES
Herbert C. Mathews, et ux
Location: SE/S of Eagles View Rd., 395' SW of Golden Eagle Dr. (12895 Eagle View Rd.) - 10th Election District
Date: November 14, 1984
The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, has held a public hearing on the above-captioned matter and has received the testimony of the Petitioner and the People's Counsel. The Board of Commissioners has determined that the proposed variance is in accordance with the Baltimore County Zoning Regulations and the Baltimore County Building Code. The Board of Commissioners has granted the variance and has ordered that the same be recorded in the Office of the County Clerk. The Board of Commissioners has also ordered that the same be published in the TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., appearing on the 22nd day of 1984.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 25, 1984
THIS IS TO CERTIFY, that the annexed advertisement was published in the JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 25, 1984.

THE JEFFERSONIAN,

W. Ventral
Publisher

Cost of Advertising 20.00



November 5, 1984

RE: Petition for Variance
SE/S Eagles View Rd., 395' SW
of Golden Eagle Dr. (12895 Eagle View Rd.)
Herbert C. Mathews, et ux - Petitioners
Case No. 85-130-A

Dear Mr. Nolan:

This is to advise you that \$50.97 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 135847

OLD JABLON
ag Commissioner

DATE 11/7/84 ACCOUNT A-61-615-10

RECEIVED FROM: Frederick N. N. E. Co. AMOUNT: 56.97

FOR THE POSITION OF CASE # 75-130-A

6 129*****509714 F07#E

VALIDATION OR SIGNATURE OF CASHIER

ZONING	DESCRIPTION
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BEGINNING on the SE/Side of Eagles View Road at a point 395 feet southwesterly from the corner of Eagle View Road and Golden Eagle Drive and known as Lot No. 5, Block A, Plat 1, Eagles Nest and recorded among the Plat Records of Baltimore County in Plat Book O.T.G. No. 35, Folio 81. Also known as 12895 Eagle View Road, Phoenix, Maryland 21131 in the Tenth Election District of Baltimore County.

PETITION FOR VARIANCES

10th Election District

LOCATION: Southeast side of Eagles View Road, 395 feet Southwest
of Golden Eagle Drive (12895 Eagle View Road)

DATE AND TIME: Wednesday, November 14, 1984 at 10:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a garage to be located in the side yard instead of the rear yard and to permit an average height of 17 feet in lieu of the permitted 15 feet.

Being the property of Herbert C. Mathews, et ux as shown on
the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

12897 Eagle View Road
Phoenix, Maryland 21131
October 23, 1984

Arnold Jablon, Esquire
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Zoning Variance for a Garage
Herbert C. Mathews et al - Petitioners
Case No. 85-130-A

Dear Commissioner Jablon:

As owners of the abutting property to the property owned by Mr. and Mrs. Herbert Mathews at 12895 Eagle View Road, this is to express our support for the granting of the requested zoning variance in order to permit the Mathewses to construct the proposed garage. I have reviewed the plat to accompany the zoning variance dated September 27, 1974 together with a building drawing of the proposed garage dated July 10, 1984.

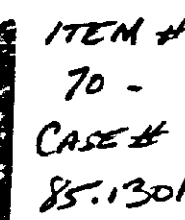
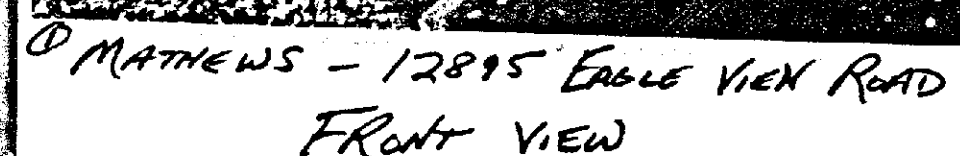
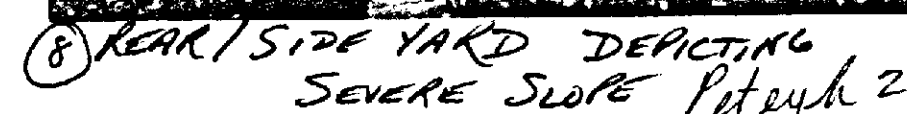
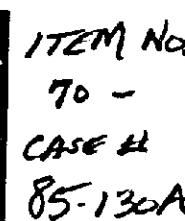
The proposed garage is not objectionable from our standpoint, and we believe that it will be in keeping with the aesthetics of the Mathews home and the neighborhood.

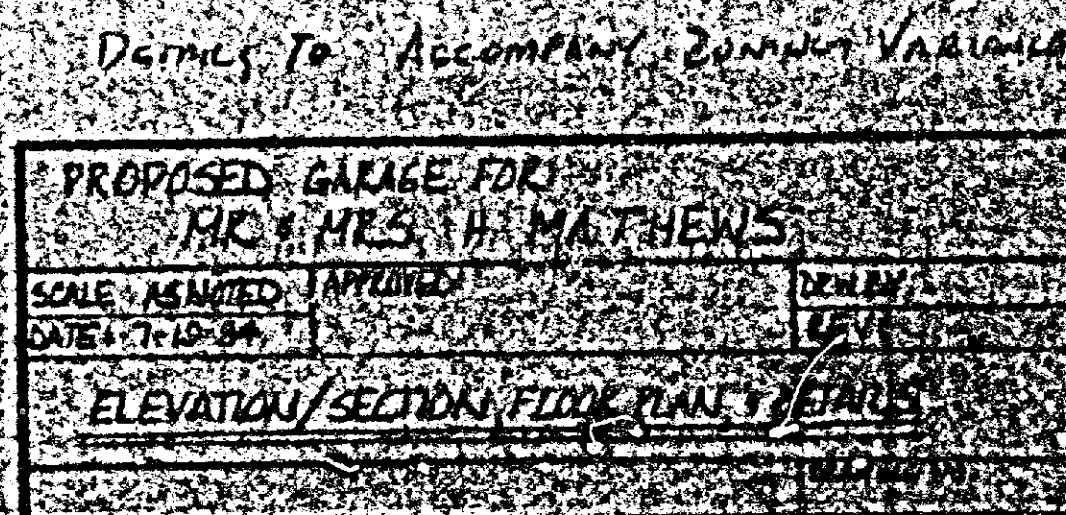
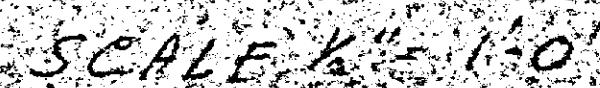
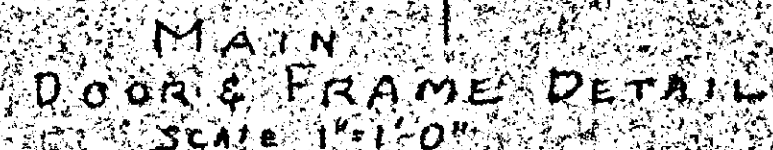
I have asked Mr. Mathews to hand deliver this to you personally on the morning of the hearing, which I understand is Wednesday, November 14, 1984 at 10:15 a.m. Thank you for your consideration of this expression of support.

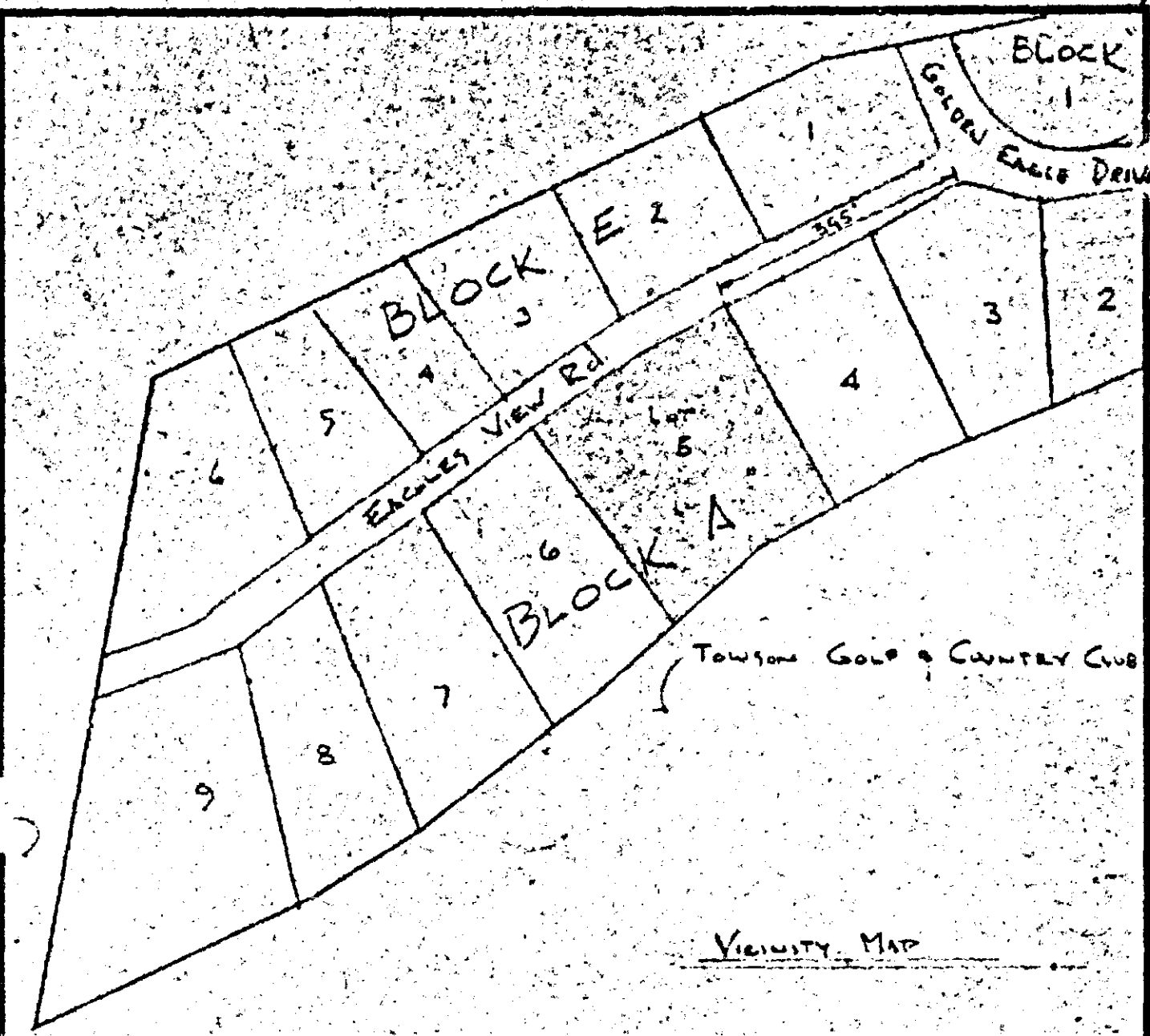
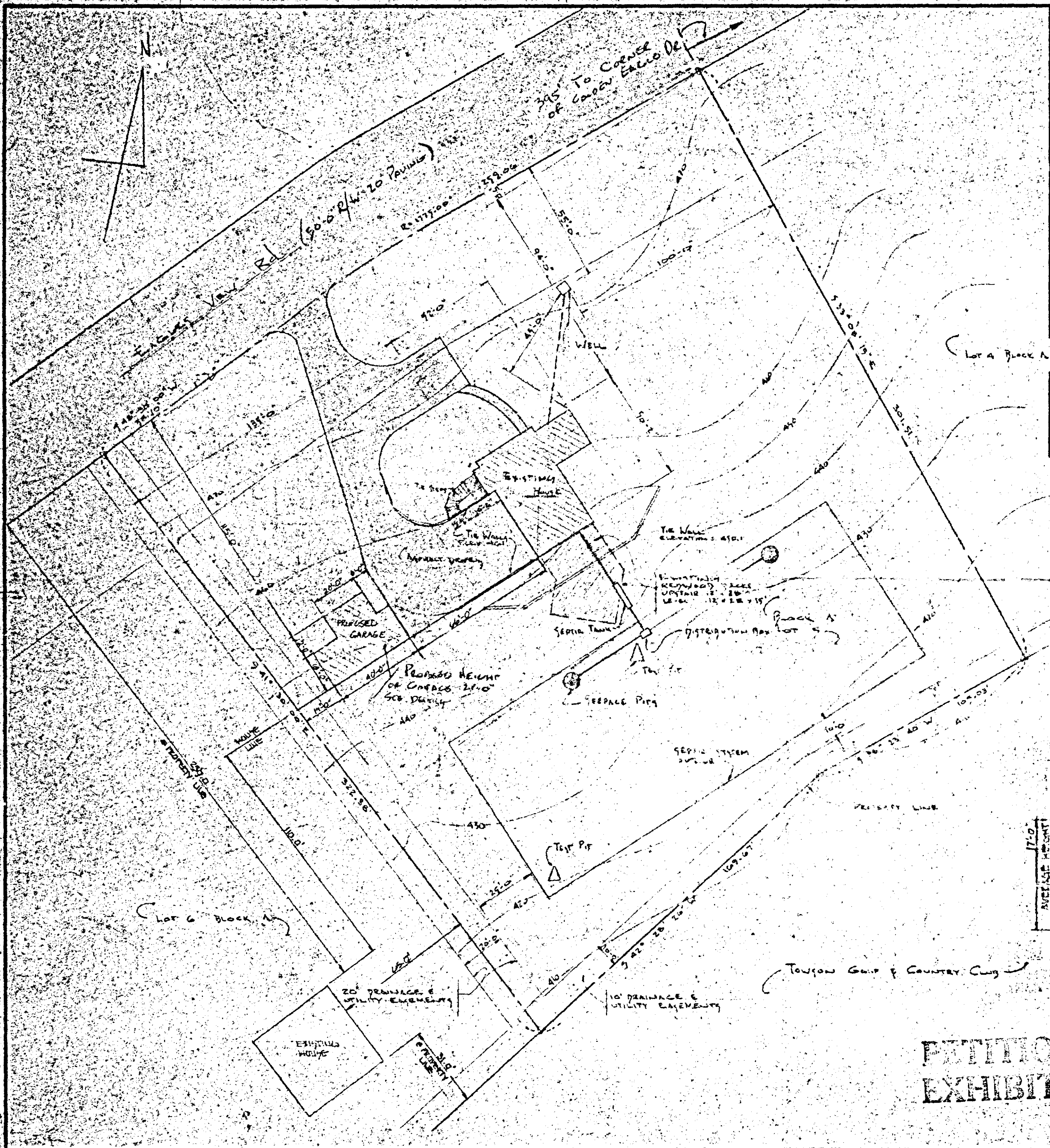
Very truly yours
James F. Pryor
James Pryor

cc: Mr. and Mrs. Herbert C. Mathews
Stephen J. Nolan, Esquire

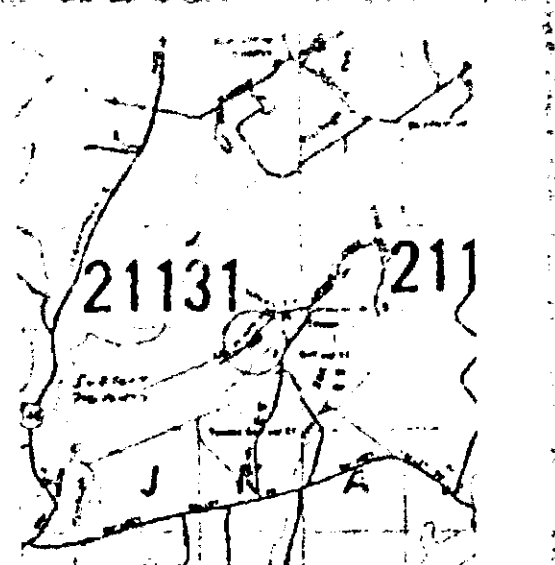
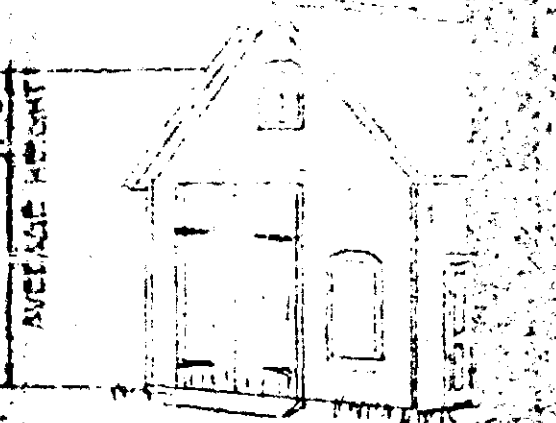
PETITIONER'S
EXHIBIT 4







OWNER: MR. & MRS. HARRY MATHEWS
 LOT 9, BLOCK A, PHASE 1
 SUB-DIVISION: EXCELSIOR HEIGHTS
 14TH ELECTION DISTRICT
 BALTO. CO.
 AREA: 49,000 SQ. FT.
 PLAT BOOK: 112, P. 25
 RECORD: 112-25



REVISED PLANS
 OCT. 23, 1976

HEIGHT PROFILE VICINITY MAP

PETITIONER'S
 EXHIBIT

HOME FOR MR. & MRS. H. MATHEWS		
SCALE: 1"=30'	APPROVED BY:	DRAWN BY: WEN
DATE: 9-23-76		REVIEWED:
PLAT TO THE COMPANY ZONING SURVEY		
DRAWING NUMBER: 1		